

### REMARKS

Applicant has carefully studied the final Examiner's Action mailed October 28, 2005 and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

#### *Claim Rejections - 35 U.S.C. § 102*

Applicant acknowledges the quotation of 35 U.S.C. §102(b).

Claims 1, 3, 5, 6, and 7 stand rejected under 35 U.S.C. §102(b), as being anticipated by *Beauchamp et al.* Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Paolacci*. Claims 1, 3, 5, and 6 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Wallace*. Finally, claims 1, 3, 5, and 6 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Goldstein*.

Applicant has amended claim 1 to include limitations such as absorptive panels attached to each chest panel, the narrowing of each chest panel at its lower extent and sleeve panels that are open along their entire extent. In the interest of brevity all remarks will be limited to these limitations. Moreover, none of the references cited teaches the use of an impermeable layer integrated with the garment. Claim 1 has been amended to include these features. Accordingly, and in addition to the reasons set forth below, withdrawal of the rejection on this ground is respectfully requested.

#### *Beauchamp et al.*

Claims 1, 3, 5, and 6 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '116 patent.

*Beauchamp et al.* discloses a cape that may be made of cotton, which is inherently absorbent. The Office has interpreted this disclosure to find the shoulder, chest and sleeve panels are formed of an "absorptive material." *Beauchamp et al.* does not, however, teach, describe or suggest the presence of an absorbent patch or panel affixed to the surface of the shoulder, chest and/or sleeve panels. Claim 1 has been amended to recite the limitation of at

least one absorptive patch affixed to each chest panel. *Beauchamp et al.* does not teach, describe or suggest the presence of sleeve panels which are open, that is unconnected at their lower edge, along their entire extent. Claim 1 has been amended to recite the limitation of each sleeve panel being open along their entire extent. Accordingly, withdrawal of the rejection on these grounds is respectfully solicited.

*Paolacci*

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Paolacci*.

*Paolacci* discloses the ornamental design of a beauty salon cape. It does not, however, teach, describe or suggest the presence of an absorbent patch or panel affixed to the surface of the shoulder, chest and/or sleeve panels. Claim 1 has been amended to recite the limitation of at least one absorptive patch affixed to each chest panel.

*Paolacci* does not teach, describe or suggest the presence of sleeve panels which are open, or unconnected at their lower edge, along their entire extent. The figures of *Paolacci* show that each sleeve is open along part of its extent but connects at its end to form a tubular sleeve. Claim 1 has been amended to recite the limitation of each sleeve panel being open along their entire extent.

*Paolacci* also shows that the panels depending from the shoulder panels, i.e. the chest panels, are substantially rectangular. Claim 1 has been amended to recite the limitation of each chest panel having a greater lateral extent at its upper end and a lesser lateral extent at its lower end, thereby forming an inward curve.

Accordingly, withdrawal of the rejection on these grounds is respectfully solicited.

*Wallace*

Claims 1, 3, 5, and 6 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Wallace*. While *Wallace* does teach that the device can be constructed from terry cloth, which can be absorbent, it does not teach the use of absorbent panels affixed to the surface of the garment. Moreover, *Wallace* does not teach the use of an impermeable layer. Claim 1 has been amended to recite the limitation of at least one absorptive patch affixed to each chest panel as

well as the presence of an impermeable layer. Accordingly, withdrawal of the rejection on these grounds is respectfully solicited.

*Goldstein*

Claims 1, 3, 5, and 6 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Goldstein*. *Goldstein* discloses the ornamental design of a beauty salon cape. It does not, however, teach, describe or suggest the presence of an absorbent patch or panel affixed to the surface of the shoulder, chest and/or sleeve panels. Claim 1 has been amended to recite the limitation of at least one absorptive patch affixed to each chest panel. Accordingly, withdrawal of the rejection on these grounds is respectfully solicited.

***Claim Rejections - 35 U.S.C. § 103***

Applicant acknowledges the quotation of 35 U.S.C. §103(a).

Claims 4-7 stand rejected as being rendered obvious by *Paolacci* in view of *Daniel*. As discussed above, Claim 1 has been amended to recite the limitations of at least one absorptive patch affixed to each chest panel and sleeve panels being open along their entire extent. *Daniel* and *Paolacci*, alone or together, do not teach these limitations. Since a requirement of obviousness under 35 USC §103(a) requires that all the claim limitations be taught by the references, and neither *Daniel* or *Paolacci* teaches absorptive patch panels affixed to each chest panel or sleeve panels being open along their entire extent, withdrawal of the rejection on these grounds is respectfully requested.

***Conclusion***

Entry of a Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN.

Dated: March 27, 2006

By: 

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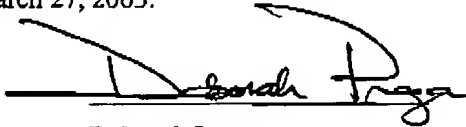
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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment B after RCE, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3765, Attn: Amy B. Vanatta, (571) 273-8300, on March 27, 2005.

Dated: March 27, 2005



Deborah Preza